

**REMARKS**

The Final Office Action mailed March 26, 2007 has been received and reviewed. Claims 1 through 20 are currently pending in the application. Claims 1 through 3 and 12 through 20 stand rejected. The Examiner indicates that claims 6 through 11 are withdrawn from consideration. Claims 4 and 5 are not addressed in the Final Office Action mailed March 26, 2007. Please note that claims 15 through 20 were previously "withdrawn" and are now shown as "rejected." Applicant proposes to amend claims 1 through 6 and 9 through 20, and respectfully requests reconsideration of the application as proposed to be amended herein. The proposed amendments to claims 1 through 6 and 9 through 20 are made to provide more clarity and consistency to the claims and are not intended to narrow the scope of the claims.

**The amendments to withdrawn claims 4 through 11 and 15 through 20 are indicated using the status identifier "Withdrawn-Currently amended." While 37 C.F.R. 1.121 and M.P.E.P. § 714 list "Original," "Currently amended," "Canceled," "Withdrawn," "Previously presented," "New," and "Not entered" as the status identifiers to be used, subsection C(E) of M.P.E.P. § 714 lists "Withdrawn-Currently amended" as an acceptable alternative for "Withdrawn." As such, Applicant's use of the former status identifier to indicate amendments to the withdrawn claims complies with the current rules of the United States Patent and Trademark Office.**

Applicant notes the Examiners statement that "[a]s far as the status of the claims are concerned, the examiner is totally confused as to what the applicants are [sic] intended to claim." *Final Office Action*, mailed March 26, 2007, pg. 3. In response, Applicant's understanding of the status of the claims follows.

Previous to a Notice of Allowability mailed October 3, 2006, claims 4 through 11 and 15 through 20 were withdrawn as being directed to a non-elected species. In the Detailed Action included with the Notice of Allowability mailed October 3, 2006, the Examiner indicated that claims 4 through 11 and 15 through 20 were rejoined and fully examined for patentability under 37 CFR 1.104. Following the Notice of Allowability a Withdrawal from Issue was mailed October 19, 2006. The Withdrawal from Issue was followed by an Office Action mailed November 16, 2006. The Office Action mailed November 16, 2006 indicated claims 1 through

20 as pending in the application, claims 1 through 3 and 12 through 15 as rejected and did not address claims 4 through 11 and 16 through 20. It appeared to Applicant that the claims not addressed by the Examiner in the Office Action mailed November 16, 2006 were considered withdrawn from consideration. Applicant noted in the Amendment mailed February 16, 2007 that claim 15 was previously “withdrawn” but was shown as “rejected” in the Office Action mailed November 16, 2006. Applicant considers claims 1 through 20 to be currently pending and considers claims 4 through 11 and 15 through 20 to be withdrawn as being directed to a non-elected species. Although Applicant considers “rejected” claims 15 through 20 as “withdrawn,” Applicant has addressed the Examiner’s rejection of these claims within this Amendment. Applicant requests a clarification of the record as to the status of each of the claims.

Applicant notes the Examiner’s request to associate reference numerals with the recited claim elements, and respectfully declines to do so as unnecessary and unduly burdensome.

### **35 U.S.C. § 112 Claim Rejections**

Claims 1 through 3 and 12 through 20 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant asserts that the subject matter for independent claims 1 and 15, as well as dependent claims 2, 3 and 12 through 20, as presently amended, is described in the as-filed specification at least at paragraph [0033] with reference to FIGS. 4 and 9A in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Additional support for claims 12, 13, 18 and 19 lies in the as-filed claims themselves, which were originally presented in the parent application hereto, Serial No. 10/409,804 (now U.S. Patent No. 7,102,217, issued Sept. 5, 2006) and as filed in the present application.

It appears the Examiner interprets the claim language “forming at least one transversely extending crosspiece,” to require the crosspiece be formed subsequent to the slot segments. *Final Office Action*, mailed March 26, 2007, pg. 2, ¶ 2. Applicant did not intend the language of the claims to limit the invention to forming the crosspiece subsequent to forming the slot segments. Applicant proposes to amend the claims to clarify the claims such that it may be more clearly understood that the crosspiece may be formed simultaneously with the slot segments.

For the previously stated reasons, Applicant requests the examiner withdraw the rejection to claims 1 through 3 and 12 through 20 under 35 U.S.C. § 112, first paragraph.

Claims 1 through 3 and 12 through 20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection, as hereinafter set forth.

A rejection based on the failure to satisfy this requirement is appropriate only where applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims. In other words, the invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which applicants regard as their invention. *In re Moore*, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971). The content of Applicant's specification should not be used as evidence that the scope of the claims is inconsistent with the subject matter which applicants regard as their invention. As noted in *In re Ehrreich*, 590 F.2d 902, 200 USPQ 504 (CCPA 1979), agreement, or lack thereof, between the claims and the specification is properly considered only with respect to 35 U.S.C. 112, first paragraph; it is irrelevant to compliance with the second paragraph of that section.

The Examiner cites claim language from previously presented claim 14 (prior to subsequent amendments) found in a reply filed June 6, 2005, as evidence that claims fail to correspond in scope with that which the Applicant regards as the invention. It is improper to compare claim language with the specification for a rejection under 35 U.S.C. 112, second paragraph.

In response to the Examiners concerns regarding the scope of the claims, Applicant proposes to amend the claims to clarify the claims such that it may be more clearly understood

that embodiments wherein the crosspiece may be formed simultaneously with the slot segments are within the scope of the claims.

For the previously stated reasons, Applicant requests the examiner withdraw the rejection to claims 1 through 3 and 12 through 20 under 35 U.S.C. § 112, second paragraph.

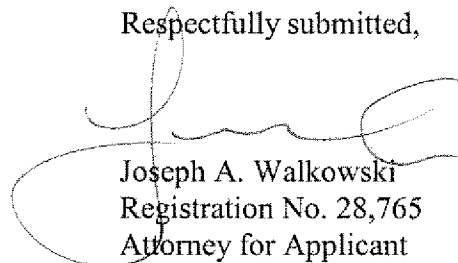
### ENTRY OF AMENDMENTS

The proposed amendments to claims 1 through 6 and 9 through 20 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

### CONCLUSION

Claims 1 through 20 (including withdrawn claims 4 through 11 and 15 through 20) are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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